

629, 633, and 675 Eastern Avenue - Zoning By-law Amendment Application – Supplementary Report

Date:	September 30, 2015
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 30 – Toronto-Danforth
Reference Number:	13-195390 STE 30 OZ

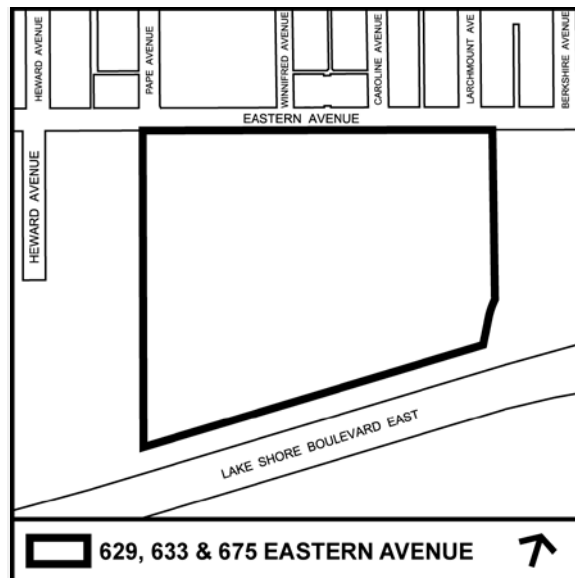
SUMMARY

A report dated September 18, 2015, from the Director of Community Planning, Toronto and East York District, recommends approval of the Zoning By-law Amendment application to permit a mixed employment development which includes the retention of approximately 16,540 square metres of existing space for film studio and production purposes and to construct approximately 75,632 square metres of new office/flex space, 7,292 square metres of hotel space, and 14,066 square metres of retail space.

The purpose of this report is to provide supplemental information to the September 18, 2015 report regarding Section 37 benefits to be secured under the Planning Act, and the draft Zoning By-law Amendments as well as recent discussions with film industry stakeholders.

RECOMMENDATIONS

- A. The City Planning Division recommends that Recommendation No. 7 within the report dated September 18, 2015 from the Director of Community Planning, Toronto**



and East York District be deleted and replaced with the following:

7. Before introducing the necessary Bills to City Council for enactment, require the Owner to enter into an Agreement pursuant to Section 37 of the Planning Act as follows:
 - a. The Owner shall transfer a site of approximately 485 square metres, known municipally on the date of the passing of this By-law as 652 Eastern Avenue, to the City for nominal consideration, prior to the issuance of the first building permit outside of the portion of the *site* marked “Studio” on Map 3, with the transfer of the land to be to the satisfaction of the City. In which event, the transfer of this land to the City shall constitute an off-site parkland dedication by the *owner* and shall represent the full parkland dedication requirement for the development of the *site* for the uses and density permitted by the zoning amendment.
 - b. The Owner will be required to finalize the purchase of the off-site parkland prior to first Site Plan approval and the conveyance of the off-site parkland will be required prior to the issuance of the first above grade building permit.
 - c. In the event that the Owner does not successfully achieve an off-site parkland dedication, the owner will be required to otherwise satisfy the parkland dedication requirements to the satisfaction of the General Manager, Parks Forestry and Recreation.
 - d. The land to be conveyed as parkland shall be free and clear, above and below grade, of all physical obstructions and easements, encumbrances and encroachments, including surface easements, unless otherwise approved by the General Manager, Parks, Forestry and Recreation.
 - e. Prior to the conveyance of the parkland, the Owner at their expense, will be responsible for base park construction and installation of the Parkland.
 - f. Prior to the conveyance of the parkland, the owner agrees to pay for the costs of the parkland dedication and the preparation and registration of all relevant documents. The Owner shall provide, to the satisfaction of the City Solicitor, all legal descriptions and applicable reference plans for the parkland dedication.
 - g. The Owner will not be given any additional credits for any over dedication of parkland.
 - h. The Owner shall, when required by the City, build a roadway over the proposed main north-south thoroughfare through the *site* (between

Lakeshore Blvd. East and Eastern Avenue) (the “Easement Road”) to the City’s applicable standards for public roads, the precise location and specifications of which are to be secured in conjunction with site plan approval for the first phase of the development.

- i. The Owner shall, when required by the City, transfer a surface easement to the City and general public over the Easement Road for nominal consideration.
- j. The terms of the transfer and the terms attaching to the easement shall be to the satisfaction of the City Solicitor in consultation with the Chief Planner and Executive Director of City Planning.
- k. The Owner shall pay all applicable taxes and fees arising from the transfer of the easement to the City, including costs associated with the preparation and registration of all documents necessary for the registration of the easement.
- l. The Easement Road is to be open and accessible 24 hours a day, seven days a week for pedestrian, bicycle and motor vehicle access, subject to such closures as are acceptable to the Chief Planner and Executive Director of City Planning.
- m. The Owner shall maintain the Easement Road, including the sidewalks, in accordance with the City’s applicable standards for public roads, and in particular, shall keep it reasonably free of all encumbrances to vehicular and pedestrian use, including keeping it free of snow, ice and rubbish.
- n. The Owner shall acknowledge that the City Council has not fettered its discretion to seek a future conveyance of the Easement Road to the City either through expropriation or as a condition of development approval.
- o. The Owner shall pay for all costs for the installation of traffic control signals at the intersection of Caroline Avenue and Eastern Avenue and the intersection of 629 Eastern Avenue (the extension of Caroline Avenue) and Lake Shore Boulevard East.
- p. The Owner shall comply with its obligations under the Certificate of Property Use registered on title to the *site*.
- q. The Owner shall submit a Construction Staging Management Plan, to the satisfaction of the General Manager of Economic Development and Culture, to ensure that as the site develops consideration is given to the functioning of the existing film studio uses.

- r. The Owner shall submit a Film Studio Security Plan to the satisfaction of the General Manager of Economic Development and Culture and the Director of Community Planning, Toronto and East York District, to ensure that appropriate consideration is given to matters of security for the existing studio on site.
- s. The owner of the site shall provide a cash contribution of \$2.25 million, for the following local community improvement initiatives:
 - i. \$400,000 for the design, development and construction of a new park, which will be secured as an off-site parkland dedication at 652 Eastern Avenue;
 - ii. \$350,000 for local area park improvements;
 - iii. \$100,000 for Bruce School yard improvements or other local playground improvements;
 - iv. \$100,000 for Morse School yard improvements or other local playground improvements;
 - v. \$500,000 for public art, in accordance with the City of Toronto's Percent for Public Art Program to be located on or along the new north/south road between Eastern Avenue and Lake Shore Boulevard;
 - vi. \$700,000 for off-site traffic safety and public realm improvements for Eastern Avenue and the surrounding local neighbourhood streets, or other public realm improvements as identified in the future South of Eastern Strategic Direction;
 - vii. \$50,000 for the Leslieville Historical Society heritage plaque project; and
 - viii. \$50,000 for local tree planting.

B. The City Planning Division recommends the addition of the following as Recommendation No. 8 to the report dated September 18, 2015 from the Director of Community Planning, Toronto and East York District:

- 8. City Council request that the Director of Urban Design, City Planning Division review all future site plan applications in consultation with the City of Toronto's Design Review Panel, to ensure the urban context of the site is respected and a high quality of urban design and architecture is achieved.

Financial Impact

The recommendations in this report have no financial impact.

COMMENTS

Studio Uses

The draft zoning by-law was presented to representatives of Toronto Film, Television & Digital Media Board (Film Board) and other film industry representatives on September 23, 2015. Representatives sought greater clarity of intent and requested that the provisions within the by-law addressed their concerns around parking and security for the studio uses as well as provisions for maintenance of studio buildings and physical production spaces on site.

There had also been significant discussion with film industry representatives that the zoning definitions for this site should be similar to other sites where film studios currently operate across the City. In response to the September 23, 2015 meeting, minor edits are being included in the draft zoning by-law. The draft zoning by-law, (to be included as Attachment No. 5 in the Final Report dated September 18, 2015 from the Director of Community Planning, Toronto and East York District) now requires at least 16,350 square metres exclusively for: *performing arts studio, communication and broadcasting establishment, production studio, artist studio and film and media training facility* uses, and the owner shall, within those 16,350 square metres, provide at least 8,360 square metres exclusively for either or both of the following two uses: *communication and broadcasting establishment* or *production studio* uses. Accessory uses are not permitted within the 8,360 square metres. This is to ensure that there is a meaningful physical production space within the larger studio related uses permitted on site. The permission for *communication and broadcasting establishment* under the former City of Toronto Zoning By-Law 438-86 currently exists and is the provision, which has permitted the studio uses currently on site. *Production studio* uses is a definition that has been taken from the new consolidated Zoning By-Law 569-2013, which does not apply to this site but which is a more current definition for a film studio, and therefore included.

Concerns around parking were raised as they related to the type of parking. There was a general satisfaction with the parking ratios presented in the draft zoning by-law; however, representatives of the film industry asked for clarity to ensure that at least 150 spaces were allocated as surface parking, as shown in the Concept Plan, rather than in structured parking facilities. This ensures functionality for larger trucks and trailers as occasionally required for studio productions. This change is being included in the draft zoning by-law.

Security for the studio was also raised. Staff noted that most matters of perimeter/security (fences, gates etc) can be addressed through the site plan review process. As this site plan application process is required to lift the holding ("h") provision of the draft zoning by-law, there will be an opportunity for staff to review the site plans with respect to perimeter/security matters. Further, staff have added

Recommendation No. 7(r) for a film studio security plan to be included, among other matters to be secured in a Section 37 agreement.

Linked to issues of security were concerns about the office building along Lake Shore Boulevard being shown in the Concept Plan. There was some discussion that the location of this building interrupted the ability to provide a secure perimeter around the studio. The draft zoning by-law now requires a phasing plan prior to lifting of the hold ("h"). This will provide a clear sense of how future phasing will occur. The additional requirement of a phasing plan to lift the hold ("h") in the zoning by-law, as well as the film studio security plan, will help identify any challenges and ensure that they are addressed through the site plan approval process.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits for increases in height and/or density for a use pursuant to Section 37 of the Planning Act. The community benefits must bear a reasonable planning relationship to the proposed development including at a minimum, an appropriate geographic relationship and addressing planning issues associated with the development. The application at 629, 633 and 675 Eastern Avenue exceeds the permitted density and height for certain non-industrial uses including office, hotel and retail. The applicant has agreed to the following Section 37 contribution:

The owner of the site shall provide a cash contribution of \$2.25 million, with the timing of payments to be established through the Section 37 agreement, for the following local community improvement initiatives:

- a) \$400,000 for the design, development and construction of a new park, which will be secured as an off-site parkland dedication at 652 Eastern Avenue;
- b) \$350,000 for local area park improvements;
- c) \$100,000 for Bruce School yard improvements or other local playground improvements;
- d) \$100,000 for Morse School yard improvements or other local playground improvements;
- e) \$500,000 for public art, in accordance with the City of Toronto's Percent for Public Art Program to be located on or along the new north/south road between Eastern Avenue and Lake Shore Boulevard;
- f) \$700,000 for traffic safety and public realm improvements for Eastern Avenue and the surrounding local neighbourhood streets, or other public realm improvements as identified in the future South of Eastern Strategic Direction;

- g) \$50,000 for the Leslieville Historical Society heritage plaque project; and
- h) \$50,000 for local tree planting.

As outlined in the Recommendations included in this report, there are a number of other matters that will be secured under Section 37 as a legal convenience. These include the off-site Parkland conveyance, installation of the traffic signals, the public easement over the new north/south roadway, a construction staging and a film studio security plan.

Urban Design

Urban Design Guidelines (UDG) were submitted with the original application in June 2013. In it, several objectives were presented to achieve the vision of an urban employment district. In addition the requirement for an update to the UDG being required prior to lifting the ("h") for the site, staff have added Recommendation No. 8 to ensure that the Director of Urban Design, City Planning Division review all future site plan applications in consultation with the City of Toronto's Design Review Panel to ensure the urban context of this employment site is respected and a high quality of urban design and architecture is achieved.

CONTACT

Angela Stea, Senior Planner
Tel. No. 416-392-7215
Fax No. 416-392-1330
E-mail: astea@toronto.ca

SIGNATURE

Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

(P:\2015\Cluster B\pln\TEYCC\26562923054.doc) – smc